

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-04-674
	§	C.A. No. C-06-36
RAMON RAMOS ALVARADO,	§	
	§	
Defendant/Movant.	§	

**ORDER CONSTRUING FINANCIAL AFFIDAVIT AS MOTION
TO PROCEED *IN FORMA PAUPERIS* AND NOTICE OF DEFICIENCY**

By Order entered October 10, 2006, this Court denied Ramon Ramos Alvarado, Jr.’s (“Ramos”) motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (D.E. 50.)¹ Final judgment was entered the same date. (D.E. 49.) Ramos timely appealed to the Fifth Circuit, but has not yet paid the filing fee. On November 17, 2006, the Clerk received from Ramos a completed CJA Form 23, which is titled “Financial Affidavit.” (D.E. 53.) The Court construes the document as a motion to proceed on appeal *in forma pauperis*.

The affidavit submitted by Ramos indicates that he is not employed, and that he has no income, no cash and no property. In order for the Court to rule on his request for *in forma pauperis* status, however, Ramos must provide additional information. That is, Ramos has not provided sufficient financial information from which the undersigned can determine whether he is financially eligible to proceed *in forma pauperis*, and, in particular, has not provided any information regarding the funds available in his prison account. See Rule 24, Fed. R. App. P. (directing a defendant who desires to appeal *in forma pauperis* to provide detailed financial information).

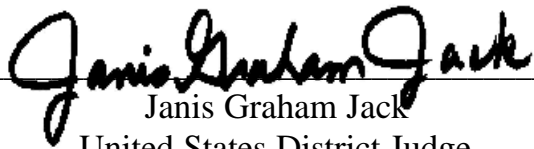
¹ Docket entries refer to the criminal case.

In light of the foregoing, the Court orders that, *within twenty days of the entry of this order*, Ramos shall file with the Clerk a full and complete *in forma pauperis* application, *including* information from the institution where he is incarcerated certifying the balance in his inmate account and certifying the average balance during the six months preceding his application.

Once this information is received, the Court will then rule on his motion to proceed *in forma pauperis*. Ramos is also advised that a failure to timely provide the information ordered herein may result in the dismissal of his appeal.

Additionally, the Clerk is directed to mail Ramos a blank *in forma pauperis* application with his copy of this Order. The clerk is further directed to docket Ramos' financial affidavit (D.E. 53) as a motion to proceed *in forma pauperis*.

It is ORDERED this 26th day of January, 2007.


Janis Graham Jack
United States District Judge